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Attorneys for Defendant
The Hain Celestial Group, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRACY HOWARD, ADINA RINGLER,
and TRECEE ARTIS, on behalf of
themselves and those similarly situated,

Plaintiffs,

v.

THE HAIN CELESTIAL GROUP, INC.,

Defendant.

Case No. 3:22-cv-527-VC

The Honorable Vince Chhabria

**DECLARATION OF ALEXANDER M. SMITH
IN SUPPORT OF HAIN CELESTIAL'S
MOTION FOR SUMMARY JUDGMENT**

I, Alexander M. Smith, declare and state as follows pursuant to 28 U.S.C. § 1746:

1. I am a partner at Jenner & Block LLP, which represents The Hain Celestial Group, Inc. in this matter. I offer this declaration in support of Hain Celestial's motion for summary judgment. I have personal knowledge of the facts set forth in this declaration, and I could and would testify competently thereto if called upon to do so.

LABELS

2. Attached as **Exhibit 1** is a compilation of true and correct labels for the Organic Fruit Yogurt Smoothie pouch products.

3. Attached as **Exhibit 2** is of a compilation of true and correct labeling proofs for the Organic Letter of the Day Cookies.

4. Attached as **Exhibit 3** is a compilation of true and correct labeling proofs for the Organic Peanut Butter Puffs.

5. Attached as **Exhibit 4** is a true and correct copy of the label of the Organic Crunchin' Crackers.

6. Attached as **Exhibit 5** is a compilation of true and correct labeling proofs for the Organic Protein Puree pouches.

7. Attached as **Exhibit 6** is a compilation of true and correct labeling proofs for several Earth's Best products that are not at issue in this lawsuit.

DEPOSITION TRANSCRIPTS

8. Attached as **Exhibit 7** are true and correct excerpts from the transcript of the deposition of Plaintiff Tre'cee Artis.

9. Attached as **Exhibit 8** are true and correct excerpts from the transcript of the deposition of Plaintiff Tracy Howard.

10. Attached as **Exhibit 9** are true and correct excerpts from the transcript of the deposition of Plaintiff Adina Ringler.

11. Attached as **Exhibit 10** are true and correct excerpts from the transcript of the deposition of Jason Ginsberg.

12. Attached as **Exhibit 11** are true and correct excerpts from the transcript of the deposition of Jacquelyn Vuarchex.

13. Attached as **Exhibit 12** are true and correct excerpts from the transcript of the deposition of Plaintiff's expert Julie Scott Taylor.

WRITTEN DISCOVERY RESPONSES

14. Attached as **Exhibit 13** is a true and correct copy of Plaintiff Tre'cee Artis's responses to Hain Celestial's requests for production.

15. Attached as **Exhibit 14** is a true and correct copy of Plaintiff Tre'cee Artis's responses to Hain Celestial's interrogatories.

16. Attached as **Exhibit 15** is a true and correct copy of Plaintiff Tracy Howard's responses to Hain Celestial's requests for production.

17. Attached as **Exhibit 16** is a true and correct copy of Plaintiff Tracy Howard's responses to Hain Celestial's interrogatories.

18. Attached as **Exhibit 17** is a true and correct copy of Plaintiff Adina Ringler's responses to Hain Celestial's requests for production.

19. Attached as **Exhibit 18** is a true and correct copy of Plaintiff Adina Ringler's responses to Hain Celestial's interrogatories.

20. Attached as **Exhibit 19** is a true and correct copy of Hain Celestial's responses to Plaintiffs' second set of interrogatories.

HAIN CELESTIAL DOCUMENTS

21. Attached as **Exhibit 20** is a true and correct copy of a Hain Celestial presentation titled "A Pioneer in organic baby food more than 30 years," which is Bates-numbered HAIN-HOWARD-00010327.

22. Attached as **Exhibit 21** is a true and correct copy of a Hain Celestial presentation titled “Wakefern – Baby Food Meeting 2/22/2018,” which is Bates-numbered HAIN-HOWARD-00003950.

23. Attached as **Exhibit 22** is a true and correct copy of a Sesame Workshop document titled “Sesame Workshop Nutrition Guidelines for Licensed Food Products,” which is Bates-numbered HAIN-HOWARD-00008184.

24. Attached as **Exhibit 23** is a true and correct copy of a Hain Celestial presentation titled “Whole Foods Market Baby Products Category Review 2022,” which is Bates-numbered HAIN-HOWARD-00010555.

25. Attached as **Exhibit 24** is a true and correct copy of a Hain Celestial presentation titled “A Pioneer in organic baby food more than 30 years,” which is Bates-numbered HAIN-HOWARD-00009926.

26. Attached as **Exhibit 25** is a true and correct copy of a Hain Celestial presentation titled “Good Food Made Fun,” which is Bates-numbered HAIN-HOWARD-00012246.

EXPERT REPORTS

27. Attached as **Exhibit 26** is a true and correct copy of the expert report of Plaintiffs’ expert Colin Weir dated September 6, 2023.

28. Attached as **Exhibit 27** is a true and correct copy of the expert report of Plaintiffs’ expert J. Michael Dennis dated September 6, 2023.

29. Attached as **Exhibit 28** is a true and correct copy of the expert report of Hain Celestial’s expert Ronald Wilcox dated November 1, 2023.

30. Attached as **Exhibit 29** is a true and correct copy of the expert report of Plaintiffs’ expert J. Michael Dennis dated August 9, 2024.

31. Attached as **Exhibit 30** is a true and correct copy of the expert report of Plaintiffs’ expert Julie Scott Taylor dated August 9, 2024.

32. Attached as **Exhibit 31** is a true and correct copy of the expert report of Hain Celestial’s expert Ronald Wilcox dated October 16, 2024.

33. Attached as **Exhibit 32** is a true and correct copy of the expert report of Hain Celestial's expert Roger Clemens dated October 21, 2024.

OTHER EXHIBITS

34. Attached as **Exhibit 33** is a true and correct compilation of web pages from Hain Celestial's website, earthsbest.com, which I compiled after visiting earthsbest.com on November 12, 2024.

35. Attached as **Exhibit 34** is a true and correct compilation of web pages from Amazon.com, which I compiled after visiting Amazon.com on November 12, 2024.

36. Attached as **Exhibit 35** is a true and correct compilation of web pages from Target.com, which I compiled after visiting Target.com on November 12, 2024.

37. Attached as **Exhibit 36** is a true and correct compilation of web pages from Walmart.com, which I compiled after visiting Walmart.com on November 12, 2024.

38. Attached as **Exhibit 37** is a true and correct copy of purchase records produced by Albertsons Companies, which operates Safeway grocery stores.

39. Attached as **Exhibit 38** is a true and correct copy of a declaration executed by Jacquelyn Vuarchex.

40. Attached as **Exhibit 39** is a true and correct copy of the USDA's approval of the labeling of the Chicken Casserole Protein Puree pouches.

41. Attached as **Exhibit 40** is a true and correct copy of the USDA's approval of the labeling of the Beef Medley Protein Puree pouches.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct to the best of my knowledge.

Executed on November 12, 2024 in Los Angeles, California.

By: _____

Alexander M. Smith